02-02-05

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Dated: 1/31/05

Signature:

Piorgua hale (Georgia Matos) SEV 1653

Docket No.: 342312003601 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of: Nathaniel MILTON et al.

Application No.: 09/942,431

Confirmation No.: 7457

Filed: August 29, 2001

Art Unit: 1653

For: ECHINOCANDIN PHARMACEUTICAL

FORMULATIONS CONTAINING MICELLE-

FORMING SURFACTANTS

Examiner: D. Lukton

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated November 1, 2004 (Part of Paper No./Mail Date 20041001), for which a response is due on February 1, 2005. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

02/07/2005 BABRAHA1 00000047 031952 09942431

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PTO/SB/17 (12-04) Approved for use through 7/31/2006. OMB 0651-0032

Under the Paper	work Reduction Act of 199	95. no person are required to			mark Office; U.S. Di		
7	respond to a collection of information unless it displays a valid OMB control number. Complete if Known						
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).			Application Number		09/942,431		
FEE TRANSMITTAL			Filing Date August 29, 2		001		
For FY 2005			First Named Inventor		Nathaniel MILTON		
	Examiner Name		D. Lukton				
Applicant cla	Art Unit 1650		1653	653			
TOTAL AMOUNT OF PAYMENT (\$) 50.00			Attorney Docket No. 3423120036)1		
METHOD OF PA	AYMENT (check all	that apply)					
Check Credit Card Money Order None Other (please identify):							
x Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP							
For the abo	ove-identified deposit	account, the Director is	hereby authoriz	ed to: (che	eck all that apply)	
x Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee							
X Charge any additional fee(s) or any underpayment of x Credit any overpayments fee(s) under 37 CFR 1.16 and 1.17							
FEE CALCULA	<u> </u>	runia I.I.					
	SEARCH, AND EXA	MINATION FEES	-				
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Application Type	Fee (\$)	Small Entity Fee (\$) Fee (\$	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Pa	id (\$)
Utility	300	150 500	250	200	100	. 663 F A	· (¥)
Design	200	100 100	50	130	65		
Plant	200	100 300	150	160	80		
Reissue	300	150 500	250	600	300		
Provisional	200	100 0	0	0	0		
2. EXCESS CLAIN	FEES					Sı	mall Entity
Fee Description Fee (\$)							
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent							25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent							100
Multiple dependen					180		
			Paid (\$)				
- 62	!= <u> </u>	50.00 = 50	0.00	<u>F</u>	<u>ee (\$)</u>	Fee Paid (\$)	
Indep. Claims	Extra Claims	Fee (\$) Fee F	Paid (\$)	_			
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3. APPLICATION S			-				
If the specification	n and drawings exce	ed 100 sheets of paper,	the application	size fee du	ie is \$250 (\$125	for small enti	ity)
for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) - 100 = /50 (round up to a whole number) x =							<u>ia (\$)</u>
4. OTHER FEE(S) Fees Paid (\$)							aid (\$)
Non-English Specification, \$130 fee (no small entity discount)							
Other:	•	•					
SUBMITTED BY	⊘ ∧		Registration No.	44.545	1	(050) 040	57.40
Signature	(Attomey/Agent) 44,346 Telephone (650) 613-57						
Name (Print/Type) K	mberly A. Bolin				Date ·	January 2	<u>,</u> 2005